

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR

455 Golden Gate Avenue, Tenth Floor
San Francisco, CA 94102
(415) 703-5050

November 10, 1999

Ms. Sarah Farley
Farley and Associates
3145 Geary Blvd., #440
San Francisco, CA 94118-3316

Re: Public Works Case No. 99-050
Installation of Gym Lockers, Bleachers, Basketball and
Volleyball Equipment
Dennis J. Amoroso Construction Co., Southwest Interiors,
Inc./Windsor Unified High School District

Dear Ms. Farley:

This constitutes the determination of the Director of Industrial Relations regarding coverage of the above-referenced project under the California prevailing wage laws, and is made pursuant to Title 8 California Code of Regulations (C.C.R.) section 16001(a). Based upon my review of the documents submitted, an analysis of the relevant facts as presented, and information supplied in follow-up telephone conversations, I have determined that the on-site installation of lockers, bleachers, basketball and volleyball equipment is a public work within the meaning of Labor Code section 1720(a).

In this case, the Windsor Unified High School District and Dennis J. Amoroso Construction Company have entered into a contract for the construction of the New Windsor High School. Dennis J. Amoroso Construction Company has, in turn, entered into a contract with Southwest Interiors, Inc. for the installation of lockers, bleachers, and basketball and volleyball equipment at the school. The work involves installing new lockers, bleachers, basketball and volleyball equipment in the new high school. The installation includes on-site assembly, which consists of bolting the lockers to existing concrete pads, and assembling and installing prefabricated basketball backstops, volleyball equipment and telescoping bleachers.

Labor Code section 1720(a) defines public works to mean: "Construction, alteration, demolition, or repair work done

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under contract and paid for in whole or in part out of public funds..." Labor Code section 1772 states: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work."

In this case, the installation of the gym lockers, bleachers, basketball and volleyball equipment involves construction done under contract and paid for with public funds for which prevailing wages must be paid. In addition, the locker installation work is part of a larger public works construction project. Therefore, under Labor Code section 1772, the workers employed by the subcontractor, Southwest Interiors, Inc., are deemed to be employed upon a public work and must be paid prevailing wages.

I hope this determination letter satisfactorily answers your inquiry.

Sincerely,



Stephen J. Smith
Director

cc: Daniel M. Curtin, Chief Deputy Director and
Acting Chief, DLSR
Marcy Vacura Saunders, Labor Commissioner, DLSE
Henry P. Nunn, III, Chief, DAS
Vanessa L. Holton, Assistant Chief Counsel
Dennis J. Amoroso Construction Company
Ray Walters, Southwest Interiors

(ch/PW#99-050 DET LTR/11-2-99)